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**RESOLUTION NO. 12-263**

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **LATERAL 11, MAIN 14, FOUR MILE CREEK SEWER (SOUTH OF 21ST ST. NORTH, WEST OF 143RD ST. EAST) 468-84847** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF **LATERAL 11, MAIN 14, FOUR MILE CREEK SEWER (SOUTH OF 21ST ST. NORTH, WEST OF 143RD ST. EAST) 468-84847** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. **12-236** adopted on **October 16, 2012** is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct **Lateral 11, Main 14 Four Mile Creek Sewer (south of 21st St. North, west of 143rd St. East) 468-84847**.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Sixteen Thousand Dollars (\$16,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **September 1, 2012**, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

**KRUG SOUTH SECOND ADDITION**

**DESCRIPTION OF**

Tract 1, Krug South Second Addition

A tract of land lying within Lot 1, Block 1, Krug South Second Addition, an addition to Wichita, Sedgwick County, Kansas, said tract being more particularly described as follow:

COMMENCING at the northeast corner of said addition; thence along the east line of said addition on a platted bearing of S00°09'34"W, a distance of 272.81 feet; thence along the southerly line of said addition S49°35'42"W, 230.26 feet to the POINT OF BEGINNING, being the southeast corner of said Lot 1; thence continuing along said southerly line N86°50'50"W, 135.47 feet to the southwest corner of said Lot 1; thence along the west lines of said Lot 1 for the next two courses, N03°07'43"E, 62.38 feet to a point on a curve to the left, having a radius of 429.00 feet, a central angle of 13°46'16", a chord bearing of N03°45'25"W, and a chord distance of 102.86 feet; thence along the arc of said curve a distance of 103.11 feet to the northwest corner of said Lot 1; thence along the north line of said Lot 1, N89°02'03"E, 91.25 feet; thence S15°14'03"E, 180.26 feet to the POINT OF BEGINNING.

CONTAINING: 18,515 square feet or 0.43 acres of land, more or less.

DESCRIPTION OF  
Tract 2, Krug South Second Addition

A tract of land lying within portions of Lots 1 and 2, Block 1, Krug South Second Addition, an addition to Wichita, Sedgwick County, Kansas, said tract being more particularly described as follow:

COMMENCING at the northeast corner of said addition; thence along the east line of said addition on a platted bearing of S00°09'34"W, a distance of 272.81 feet; thence along the southerly line of said addition S49°35'42"W, 52.05 feet to the POINT OF BEGINNING; thence continuing along said southerly line S49°35'42"W, 178.21 feet to the southeast corner of said Lot 1; thence N15°14'03"W, 180.26 feet to the north line of said Lot 1; thence along said north line, N89°02'03"E, 20.30 feet to the northeast corner of said Lot 1, being a point on a curve to the left, having a radius of 50.00 feet, a central angle of 55°25'29", a chord bearing of N61°19'18"E, and a chord distance of 46.50 feet, thence along the arc of said curve a distance of and along the northerly line of said Lot 2, 48.37 feet; thence S56°23'26"E, 146.45 feet to the POINT OF BEGINNING.

CONTAINING: 17,995 square feet or 0.41 acres of land, more or less.

DESCRIPTION OF  
Tract 3, Krug South Second Addition

A tract of land lying within portions of Lots 2 and 3, Block 1, Krug South Second Addition, an addition to Wichita, Sedgwick County, Kansas, said tract being more particularly described as follow:

COMMENCING at the northeast corner of said addition; thence along the east line of said addition on a platted bearing of S00°09'34"W, a distance of 128.88 feet to the POINT OF BEGINNING; thence continuing along said easterly line S00°09'34"W, 143.94 feet; thence along southerly line of said addition S49°35'42"W, 52.05 feet; thence N56°23'26"W, 146.45 feet to a point on the northerly line of Lot 2, being a point on a non-tangent curve to the left, having a radius of 50.00 feet, a central angle of 52°18'38", a chord bearing of N07°27'15"E, and a chord distance of 44.08 feet, thence along the arc of said curve line a distance of 45.65 feet; thence N71°17'57"E, 165.00 feet to the POINT OF BEGINNING.

CONTAINING: 18,416 square feet or 0.42 acres of land, more or less.

DESCRIPTION OF  
Tract 4, Krug South Second Addition

A tract of land lying within portions of Lots 3 and 4, Block 1, and a portion of Reserve "A", Krug South Second Addition, an addition to Wichita, Sedgwick County, Kansas, said tract being more particularly described as follow:

COMMENCING at the northeast corner of said addition; thence along the east line of said addition on a platted bearing of S00°09'34"W, a distance of 18.56 feet to the POINT OF BEGINNING; thence continuing along said east line S00°09'34"W, 110.32 feet; thence S71°17'57"W, 165.00 feet to a point on the westerly line of Lot 3, being a point on a non-tangent curve to the left, having a radius of 50.00 feet, a central angle of 51°20'39", a chord bearing of N44°22'23"W, and a chord distance of 43.32 feet, thence along the arc of said curve a distance of 44.81 feet; thence N19°57'18"E, 138.40 feet; thence N89°06'38"E, 139.67 feet to the POINT OF BEGINNING.

CONTAINING: 22,398 square feet or 0.51 acres of land, more or less.

DESCRIPTION OF  
Tract 5, Krug South Second Addition

A tract of land lying within a portion of Lot 4, Block 1, and a portion of Reserve "A", Krug South Second Addition, an addition to Wichita, Sedgwick County, Kansas, said tract being more particularly described as follow:

COMMENCING at the northeast corner of said addition; thence along the east line of said addition on a platted bearing of S00°09'34"W, a distance of 18.56 feet; thence S89°06'38"W, 139.67 feet to the POINT OF BEGINNING; thence S19°57'18"W, 138.40 feet to a point on a southerly line of Lot 4, being a point on a non-tangent curve to the left, having a radius of 50.00 feet, a central angle of 101°42'50", a chord bearing of S59°05'53"W, and a chord distance of 77.56 feet, thence along the arc of said curve a distance of 88.76 feet to a southeasterly corner of said Lot 4; thence along the southerly line of said Lot 4, S89°02'03"W, 44.09 feet to the southwest corner of said Lot 4; thence along the westerly line of said Lot 4, N03°23'33"E, 91.02 feet; thence N21°36'45"E, 29.58 feet; thence N44°17'07"E, 71.06 feet; thence N89°06'38"E, 91.97 feet to the POINT OF BEGINNING.

CONTAINING: 16,773 square feet or 0.39 acres of land, more or less.

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Tracts 1 through 5; KRUG SOUTH SECOND ADDITION shall each pay 1/5 of the total cost payable by the improvement district.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7 That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 18th day of December , 2012.

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CARL BREWER, MAYOR

ATTEST:

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KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

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GARY E. REBENSTORF  
DIRECTOR OF LAW